

The above-referenced documents were misfiled because of the similar "Use of Force Policy" Exhibit, the true Exhibit H in the Special Report, and, therefore, was unavailable to Defendants at the time their Special Report was filed. It was discovered by Defendants' attorney after Plaintiff, in his Objections to the Special Report, mentioned the "Chambers County Detention Facility Incident Report," though mentioned, was not included in the original Special Report.

Respectfully submitted this 3rd day of May 2006.

s/Winthrop E. Johnson
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CERTIFICATE OF SERVICE

I hereby certify that on this the 3rd day of May, 2006, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Christopher McCullough, #174 909
W.E. Donaldson Correctional Facility
100 Warrior Lane
Bessemer, AL 35203

s/Winthrop E. Johnson
OF COUNSEL